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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

CYNTHIA ATTAO)	CIVIL ACTION NO 08- 0018
)	
Plaintiff)	
)	
v.)	REPLY MEMORANDUM SUPPORTING
TINIAN SHIPPING and)	MOTION TO DISMISS
TRANSPORTATION INC.)	
)	
Defendant)	Date: May 22, 2008
)	
_____)	Time: 9:00 a.m.

When a complaint fails to alleged any facts demonstrating that defendant's operations affected commerce the complaint fails to state a claim for relief under the ADA. *Tater-Alexander v. Amerjan*, 2008 WL 961233 at 6 (E.D.Cal.,2008). For ADA purposes, commerce has a precise definition and it is more than travel between two points within the Commonwealth even such travel is over waters controlled by the United States. Under the ADA commerce is travel, trade, traffic, commerce, transportation, or communication (1) among the several States, (2) between any foreign country or any territory or possession and any State, or (3) between points in the same State but through another State or foreign country. 42 U.S.C. § 12181(1). Plaintiff does not allege any facts showing an effect on commerce given the ADA's definition of commerce.

CONCLUSION

The complaint fails to allege an ADA violation as it does not allege any facts showing an effect on commerce.

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By: _____/s/_____

G. Anthony Long